

Article - Transportation

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§24–106.1.

(a) In this section:

(1) “Loose material” includes:

(i) Dirt, sand, gravel, wood chips, or other material that can blow, fall, or spill from a vehicle as a result of movement or of exposure to air, wind, or weather; and

(ii) Any other kind of material that can blow, fall, or spill, as specified in rules and regulations adopted by the Administrator; and

(2) “Loose material” does not include agricultural products, including sod, in their natural state.

(b) A person may not, in violation of this section, carry any loose material in any vehicle on or across any highway in this State.

(c) A person may not, in violation of this section, load any loose material for carrying in any vehicle on or across any highway in this State.

(d) (1) Subject to the provisions of subsection (e) of this section, the bed of the vehicle carrying a load of loose material shall be fully enclosed:

(i) On both sides, by sideboards or sidepanels;

(ii) On the front, by a board or panel or by the cab of the vehicle; and

(iii) On the rear, by a tailgate, board, or panel.

(2) (i) The enclosures required by paragraph (1) of this subsection shall be constructed so as to prevent any part of the load from blowing, falling, or spilling out of the vehicle.

(ii) No part of the load touching any of these enclosures may be within 6 inches of the top of the part of the enclosure that it touches, unless the load is covered with a firmly secured canvas or similar type covering.

(iii) If the vehicle manufacturer's original design specifications for bed enclosures have been altered to increase the vehicle's load capacity, no part of the load touching any of these enclosures may be within 6 inches of the top of the part of the enclosure that it touches and the highest point of the load may not be higher than any of these enclosures, unless the load is covered with a canvas or other type cover approved by the Administration that is secured as provided in subsection (e)(3) of this section.

(3) This subsection does not apply to:

(i) Any load-carrying vehicle with a compartment that fully encloses the load; or

(ii) A vehicle in which the load is suitably covered or secured by other means that prevent the escape of the loose material.

(e) (1) The provisions of this subsection do not apply to:

(i) Any Class K (farm area) vehicle as defined in § 13-935 of this article;

(ii) Any Class E (truck) vehicle registered or capable of being registered under § 13-917 of this article if the vehicle manufacturer's original design specifications for bed enclosures have not been altered to increase the vehicle's load capacity;

(iii) Any construction vehicle working within the confines of a public works construction project site as outlined in the construction project's plans and specifications, provided the distance traveled does not exceed 1 mile or the distance specified in an extension granted under subsection (g) of this section;

(iv) Any construction vehicle or mining equipment while crossing a highway between construction or mining sites;

(v) Any Class G (trailer) vehicle registered or capable of being registered under § 13-927 of this article, provided no part of the load is higher than 6 inches below the top of any of the enclosures required under subsection (d)(1) of this section; or

(vi) Within the Port of Baltimore for a distance not to exceed 1 mile, any vehicle carrying a load of loose material between a stockpile or storage facility and a vessel docked at the port.

(2) A vehicle carrying a load of loose material shall have its bed fully enclosed on the top by a canvas or other type cover approved by the Administration.

(3) Any cover required under this section shall be secured in a manner to prevent:

(i) Any part of the load from blowing, falling, or spilling out of the vehicle; and

(ii) The cover from blowing off the vehicle.

(f) (1) This subsection does not apply to any construction vehicle or mining equipment that:

(i) Is moving between construction barricades on a public works project; or

(ii) Only is crossing a highway.

(2) A vehicle used for carrying loose material may not be operated on any highway unless:

(i) All spillage from loading loose material is removed from the nonload-carrying parts of the vehicle;

(ii) Whether the vehicle is loaded or empty, the tailgate is closed securely to prevent spillage of a load or of any residue;

(iii) The bed does not have any holes, cracks, or openings through which loose material can escape; and

(iv) After unloading loose material, all residue is removed from the nonload-carrying parts of the vehicle.

(g) (1) Upon application by the supervisor of a construction project of the Department, the Department may grant a reasonable extension of the 1-mile limitation established in subsection (e)(1)(iii) of this section if the Department determines that the extension request meets the criteria developed under paragraph (2) of this subsection and the provisions of paragraph (3) of this subsection.

(2) (i) The Department shall adopt regulations establishing criteria for granting an extension under this subsection.

(ii) In adopting regulations under this subsection, the Administration shall consider:

1. The size of the construction project;
2. The likely adverse impact that granting the extension will have on surrounding highways and motorist safety; and
3. The likely adverse impact of the cover requirement on construction costs and timely completion of the project.

(3) An extension granted under this subsection may not exceed the confines of the Department's construction project.

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